

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri N.Rajagopal Naidu S/o Late N.Subbanna, Occ: RTC Empl. R/o T.N.Nagi Reddy Street, Madanapalli, Chittoor District, against the Proceedings D.Dis. No. C3/12355/2010, dated 10.09.2011 of the Collector, Chittoor District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition Allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 38

Dated:01.03.2014.

Read the following.

1. Proceedings of the District Collector, Chittoor District
D.Dis. No. C3/12355/2010, dated 10.09.2011.
2. Appeal Petition filed by Sri N.Rajagopal Naidu S/o Late N.Subbanna, Occ: RTC Empl. R/o H.No.14-540-1, T.N.Nagi Reddy Street, Madanapalli, Chittoor District before M(TW), No.407/M(TW)/2012, Dated 22.05.2012.
3. Govt. Memo No.7258/CV.2/2012, SW(CV.2) Dept., Dated: 25-05-2012.
4. From the District Collector, Chittoor, Lt. No. Roc.C3/ 5578/2012, dated 18.07.2012.
5. Orders of APHC, Hyderabad in WP No.25870 of 2012, dated 22.8.2012.
6. From the Dr. P. Ramachandra Reddy, MLA, Punganur, Chittoor District addressed to Hon'ble M(TW) dt. 18.07.2012 along with the Representation of Sri N.Rajagopal Naidu S/o Late N.Subbanna before the Hon'ble M(TW) Endt. No.473/M(TW)/2012, dt. 24.09.2012.
7. Govt. Memo No.7258/CV.2/2012, SW(CV.2) Dept., Dated. 28-09-2012
8. Govt. Memo No.7258/CV.2/2012, SW(CV.2) Dept., Dated.20.10.2012
9. Govt. Memo No.7258/CV.2/2012, SW(CV.2) Dept., Dated.21.11.2012.
10. Govt. Letter No.7258/CV.2/2012, SW(CV.2) Dept., Dated.07.01.2013.
11. Written Arguments dated: 21.01.2013 filed by the Appellant before the Government.
12. Govt. Memo No.7258/CV.2/2012, SW(CV.2) Dept., Dated.16.04.2013.

ORDER:

In the reference 1st read above, the District Collector, Chittoor has issued orders canceling Scheduled Tribe 'Yerukala' Certificate obtained from the then Tahsildar, Madanapalle by Sri N.Rajagopal Naidu S/o Late N.Subbanna, Occ: RTC Employee R/o T.N.Nagi Reddy Street, Madanapalle, Chittoor District.

2. In the reference 2nd read above, Sri N.Rajagopal Naidu, S/o Late N.Subbanna has filed Appeal Petition before the Government against the orders of the District Collector, Chittoor. After examination Government have admitted the said Appeal Petition and called for the parawise remarks and connected records from the District Collector, Chittoor in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Chittoor has furnished the parawise remarks and connected records of Sri N.Rajagopal Naidu S/o Late N.Subbanna, Occ: RTC Employee, R/o.T.N.Nagi Reddy Street, Madanapalli, Chittoor District.

4. In the reference 5th read above, the Hon'ble High Court of AP., while disposing the Writ Petition No. 25870 of 2012, dated: 22.08.2012, filed by Sri N.Rajagopal Naidu S/o Late N.Subbanna has directed the Respondent No.1 (Principal Secretary to Government) to take up the Application for stay and pass orders thereon, within a period of two (2) weeks.

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5. In the reference 6th read above, the Appellant has filed a Misc. Petition before the Government, based on the High Court directions in the reference 5th read above and the representation of Appellant in the reference 6th read above, Government have issued stay orders in the reference 7th read above on the proceedings of the District Collector, Chittoor, issued in the reference 1st read above until finalization of the Appeal Petition.

6. The said Appeal Petition after having been taken on file was posted for hearing on 30.10.2012 and the same has been informed to the appellant, the counsel for the appellant with a request to attend the hearing of the case long with documentary evidences/ certificates to substantiate his claim as to his community in the reference 8th read above. The Appellant, counsel for the appellant were present but the case was adjourned. However, the case was heard on 03.12.2012 and the Appellant, counsel for the Appellant were present and argued the case as shown at reference 9th read above. The Appellate Authority has ordered to obtain a copy of the S.R. of father of the Appellant along with written arguments in support of his community claim. Accordingly, the Appellant was requested to submit the same before the Government through the reference 10th read above.

7. In the reference 11th read above, the Appellant has submitted the written arguments in support of his community claim. While furnishing the certificate issued by the Mandal Revenue Officer, Madanapalle dt.4-7-1996 he has stated that due to floods occurred on 14-06-1996 in Madanapalle, household articles and the house of the appellant was damaged wherein the Bio-data and original documents of the father of the appellant were destroyed. The same has been confirmed by the M.R.O., Madanapalle.

8. The said Appeal Petition has been posted for hearing again on 27.04.2013 & the same has been informed to the appellant and requested to attend the above hearing with all documentary evidences/ certificates in favour of his community claim, in the references 12th, read above. The Appellant, counsel for the Appellant were present and argued the case and explained his community status.

9. Government has examined the records and Proceedings of the District Collector, Chittoor dated. 10.09.2011, grounds and written arguments submitted by the Appellant. Having considered the arguments of either side and documentary evidences and written arguments of the appellant and on perusal of the record, it is observed that the Appellant is a native of Madanapalle Town. At the time of his admission into the School, his caste was mentioned as Yerukala (ST) as his father belongs to Yerukala. His father married Ekila caste (BC) woman and he was born to inter-caste couple. His father was an Ex-Serviceman and also worked as an Attender, in R&B Dept., and expired in the year 1984. The Appellant has further stated that his father was originally native of Nallacheruvu(V) of Ananthapur District and came to Madanapalle even before his birth and he has no relatives at Madanapalle. That he also got married with Ekila Caste woman i.e, inter-caste marriage. The District Level Scrutiny Committee based on the reports of the Revenue authorities has recommended for canceling his ST Yerukala caste Certificate. He alleged that though he follows the traditions, customs & rights of Yerukala Community and furnished copies of documents, in support of his claim as ST, the District authorities without giving any opportunity to prove his case, cancelled his ST certificate and requested to set aside the orders issued by the Collector, Chittoor District.

10. Further it is observed that on perusal of the written arguments of the Appellant and on perusal of relevant records, material papers, copies of documents made available, before the Government it is unjust to decide one's caste merely on the basis of marital relations of the Appellant and his father. The ST Caste cannot go away with inter-caste marriages. In support of his

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claim as ST Yerukala, the Appellant has furnished the statement of "Youth Girijana Aikya Vedika", Madanapalle and also the statements offered by different individuals of same caste i.e, ST Yerukala.

11. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), hereby allow the Appeal Petition filed by Sri N.Rajagopal Naidu S/o Late N.Subbanna, Occ: RTC Empl. R/o H.No. 14-540-1, T.N.Nagi Reddy Street, Madanapalli, Chittoor District and the Proceedings of the District Collector, Chittoor issued in the D.Dis. No. C3/12355/2010, dated 10.09.2011 is hereby set aside, by upholding the ST 'Yerukala' community certificate issued by the Tahsildar, Madanapalle in favour of Sri N.Rajagopal Naidu S/o Late N.Subbanna, Occ: RTC Empl. R/o T.N.Nagi Reddy Street, Madanapalli, Chittoor District.

12. The District Collector, Chittoor shall take necessary action in the matter.

13. The records (containing D.Dis.No.C3/12355/2010, dated 10.09.2011 pages 01 to 152 CF and Pp 01 to 22 NF) received from District Collector, Chittoor District, through 4th read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR.A.VIDYA SAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)**

To
The District Collector, Chittoor (we) (By RPAD)
(with original records).

Sri N.Rajagopal Naidu S/o Late N.Subbanna,
Occ: RTC Empl. R/o H.No.14-540-1, T.N.Nagi
Reddy Street, Madanapalli, Chittoor District

Sri C. Ramachandra Reddy, Advocate,
R/o Flat No. 13, Block No. 11, M.I.G.II,
Baghlingampally, Hyderabad-44.

Copy to:

The Depot Manager, APSRTC, Madanapalle, Chittoor District.

The Commissioner of Tribal Welfare, AP, Hyderabad/ the Director,
TCR& TI, AP, Hyderabad.

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER